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KIEWIT PACIFIC CO., PETER KIEWIT SONS', INC.
HEALTH AND WELFARE PLAN,
PETER KIEWIT SONS', INC., JOHN JANSEN,
MICHAEL PHELPS and JANE SEWELL

UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD A. NOBLE and CHARLENE R.
NOBLE,

Plaintiffs,

v.

KIEWIT PACIFIC CO., a Delaware
corporation; LIFE INSURANCE COMPANY
OF NORTH AMERICA, a Pennsylvania
corporation; PETER KIEWIT SONS' INC.
HEALTH AND WELFARE PLAN; PETER
KIEWIT SONS' INC., a Delaware corporation;
JOHN JANSEN, an individual; MICHAEL
PHELPS, an individual; and JANE SEWELL,
an individual,

Defendants.

Case No. 08-CV-00666-SI

**PROOF OF SERVICE BY FEDERAL
EXPRESS**

Date:

Time:

Judge: Hon. Susan Illston

Courtroom: 10, 19th Floor

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Seyfarth Shaw LLP, 560 Mission Street, Suite 3100, San Francisco, California 94105. On February 12, 2008, I served the within document(s):

**DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO SHORTEN TIME TO
HEAR MOTION FOR EXPEDITED DEPOSITION OF RICHARD NOBLE;
DEFENDANT'S OPPOSITION TO PLAINTIFFS' MOTION FOR EXPEDITED
DEPOSITION OF RICHARD NOBLE; DECLARATION OF KARI ERICKSON LEVINE
IN SUPPORT OF DEFENDANTS' OPPOSITION TO EXPEDITED MOTION AND
MOTION FOR EXPEDITED DEPOSITION**

☐ I sent such document from facsimile machine (415) 397-8549 on February 12, 2008. I certify that said transmission was completed and that all pages were received and that a report was generated by facsimile machine (415) 397-8549 which confirms said transmission and receipt. I, thereafter, mailed a copy to the interested party(ies) in this action by placing a true copy thereof enclosed in sealed envelope(s) addressed to the parties listed below.

☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below.

☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

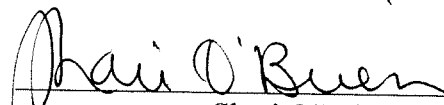
☒ by placing the document(s) listed above, together with an unsigned copy of this declaration, in a sealed Federal Express envelope with postage paid on account and deposited with Federal Express at San Francisco, California, addressed as set forth below.

☐ by transmitting the document(s) listed above, electronically, via the e-mail addresses set forth below.

Mark Edward Zeller
Law Offices of Mark Edward Zeller
2255 Contra Costa Blvd., Suite 304
Pleasant Hill, CA 94523

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than on day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on February 12, 2008, at San Francisco, California.


Shari O'Brien